

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 PLAINTIFF, )  
 )  
 v. ) CIVIL ACTION NO. 2:07cv687-MEF  
 )  
 APPROXIMATELY TWELVE THOUSAND )  
 (\$12,000) DOLLARS IN UNITED )  
 STATES CURRENCY, )  
 )  
 DEFENDANT. )

## REPORT OF PARTIES' PLANNING MEETING

Comes now the United States of America (United States), by and through Leura G. Canary, United States Attorney, Middle District of Alabama, and John T. Harmon, Assistant United States Attorney, and states as follows:

1. Pursuant to this Court's Order of September 4, 2007, a meeting was held by telephone between John T. Harmon (for the United States), and Dustin Fowler (for Claimant Derrick Davis).

2. Rule 26(a)(1)(E) of the Federal Rules of Civil Procedure (FRCP), amended December 1, 2006, exempted forfeiture actions “in rem arising from a federal statute” from certain portions of said Rule. See FRCP 26(a)(1)(E)(ii). This exemption applies to initial disclosures under FRCP 26(a)(1). The instant proceeding is a forfeiture action in rem arising from a federal statute.

3. Discovery Plan. The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on the following subjects:

- a) Circumstances surrounding the alleged use and involvement of the Defendant property in violations of 21 U.S.C. § 801 et seq.;
- b) The claims and defenses raised by the parties in their pleadings;
- c) All discovery commenced in time to be completed by December 7, 2007;
- d) Maximum of 25 interrogatories by each party to any other party;
- e) Maximum of 30 requests for production by each party to any other party;
- f) Maximum of 15 requests for admissions by each party to any other party;
- g) Maximum of three depositions for each party;
- h) Each deposition is limited to maximum of seven hours, unless extended by agreement of the parties;
- i) Reports from retained experts under Rule 26(a)(2) are due:

From Plaintiff by November 2, 2007;

From Claimant by December 7, 2007.

4. Other Items.

The parties do not request a conference with the Court before entry of the Scheduling Order.

The parties request a pretrial conference on April 28, 2008.

The parties should be allowed until November 16, 2007, to join additional parties and to amend the pleadings.

All potentially dispositive motions should be filed by January 25, 2008.

Settlement cannot be evaluated prior to receipt of discovery and/or filing of dispositive motions and responses thereto.

Final lists of witnesses under Rule 26(a)(3) shall be due from the parties on April 11, 2008. Final lists of exhibits under Rule 26(a)(3) shall be due April 24, 2008.

Parties shall have until seven days before trial, or June 2, 2008, to file objections to the witnesses or exhibits under Rule 26(a)(3).

The case should be ready for trial by June 9, 2008, and at this time is expected to take approximately two days to try.

Respectfully submitted this 27<sup>th</sup> day of September, 2007.

FOR THE UNITED STATES ATTORNEY  
LEURA G. CANARY

/s/John T. Harmon  
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CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2007, I electronically filed the foregoing Report of Parties' Planning Meeting with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **Dustin Fowler.**

/s/John T. Harmon

John T. Harmon  
Assistant United States Attorney